

## ***STEP 7:***

### ***“Public Generally” Exception***

***Add regulation 18707.10***

## **ATTACHMENT 3:**

**Regulation 18707.10**

1 {Dec 4} Add

2 **18707.10. General Plan Decisions: Economic Interest in Real Property.**

3  
4 (a) The material financial effect of a governmental decision whether to adopt or  
5 amend a general plan on a public official's interest in real property is indistinguishable  
6 from the decision's effect on the public generally if the requirements of subdivisions (b) –  
7 (e) of this regulation are met.

8 (b) The governmental decision is one of the following:

9 (1) The decision is whether to adopt or amend the {Dec 5} [land use,] circulation,  
10 housing, conservation, open-space, noise, or safety element of a general plan; or

11 (2) The decision is whether to adopt or amend a general plan, but only identifies  
12 planning objectives or is otherwise exclusively one of policy and does not concern an  
13 identifiable parcel or development project, or the agency's prior, concurrent or  
14 subsequent approval of, or change to, a permit, license, zoning designation, zoning  
15 variance, land use ordinance, or specific plan (or its equivalent). An agency's decision  
16 whether to adopt or amend a general plan does not concern an identifiable parcel solely  
17 because, in the proceeding before the agency in which the decision is made, the parcel is  
18 included in a map or diagram offered in connection with the decision, and the map or  
19 diagram depicts all parcels located within the agency's jurisdiction.

20 (c) The decision applies to all persons with interests in real property in the entire  
21 jurisdiction of the public official's agency or district the public official represents.

22 (d) Significant Segment. The governmental decision also affects a "significant  
23 segment" of the public generally. Apply rules of the "general rule" applicable to real  
24 property provided by Title 2, Cal. Code of Regulations, section 18707.1(b)(1)(B).

1        (e) Substantially the Same Manner. The governmental decision will financially  
2 affect the public official's economic interest in real property and the significant segment  
3 in substantially the same manner as described in subdivision (e)(1) below.

4        **{Dec 6}** [Consideration shall be given to changes to the property boundaries, zoning  
5 designations, current or potential use, development or income producing potential, size,  
6 current or projected value of the real property and to the characteristics of the  
7 neighborhood impacting the traffic, view, privacy, intensity of use, noise level and air  
8 emissions as a result of the decision.]

9                **{Dec 7, Option 1}**

10        (1) The decision will affect the public official's real property in substantially the  
11 same manner as it will affect the significant segment if Title 2, Cal. Code of Regulations  
12 section 18707.10(e)(1)(A) and (B) below are met:

13        (A) Real property of the significant segment is located entirely within 500 feet of  
14 the public official's real property; or

15        (B) The decision is implemented on a proportional basis based solely on property size,  
16 and {Dec 7a} [the official's real property does not vary in size by more than 10/15/20%  
17 from the average/mean/median/modal size of real property of the significant segment]  
18 [the size of the official's real property and the minimum parcel size in the public  
19 official's jurisdiction {Dec 7a1} [or district] does not vary by more than 10/15/20%].

20                **{Dec 7, Option 2}**

21        (1) The decision will affect the public official's real property in substantially the  
22 same manner as it will affect the significant segment if all of the following factors are  
23 met:

1           (A) There are at least {Dec 7b} [100/500/1,000] properties under separate  
2 ownership which are within a {Dec 7c} [2,500 feet/1 mile/2 mile] radius from the public  
3 official's real property, {Dec 7d} [or, when the density of the public official's district is  
4 100 housing units/sq. mile or less, there are at least 5,000 properties under separate  
5 ownership in the public official's district]; and

6           (B) If zoning designations will be modified by the decision, the zoning  
7 designation of the public official's real property is the same as the zoning designations of  
8 the real property of the significant segment; and

9           (C) The current uses or the potential uses of the official's real property and real  
10 property of the significant segment will be modified in the same manner by the decision;  
11 and

12           (D) The size of the official's real property and the minimum parcel size in the  
13 public official's jurisdiction {Dec 7e} [or district] does not vary by more than  
14 {Dec 7f} [10/15/20%].

15           (f) Definitions. For purposes of this regulation, apply the following:

16           (1) A governmental decision whether to adopt or amend a general plan is one  
17 that, in the manner described in Government Code §§ 65301 and 65301.5, grants initial  
18 approval to, substitutes for, or modifies any approved component of, a general plan,  
19 including elements, a statement of development policies, maps, diagrams and texts,  
20 setting forth objectives, principles, standards, and plan proposals, as described in  
21 Government Code §§ 65302 and 65303.

22 NOTE: Authority cited: Section 83112, Government code.  
23 Reference: Section 87103, Government Code.